

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

E-FILING

ORIGINAL
FILED
07 SEP 28 AM 11:26
RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK ALFRED FIRST,

Defendant.

CR

No **07 00622**

VIOLATIONS:

18 U.S.C. § 2252(a)(4)(B) - Possession of
Matters Containing Any Visual Depiction of
a Minor Engaging in Sexually Explicit
Conduct; 18 U.S.C. §§ 2253(a)(1) & (a)(3)-
Criminal Forfeiture

SAN JOSE VENUE

JF
HRL

INFORMATION

The United States Attorney charges:

COUNT ONE: (18 U.S.C. § 2252(a)(4)(B) - Possession of Matters Containing Any Visual
Depiction of a Minor Engaging in Sexually Explicit Conduct)

On or about January 25, 2005, in the Northern District of California, the defendant,

MARK ALFRED FIRST,

did knowingly and intentionally possess certain matter, to wit, images, which visual depictions
had been mailed and transported in interstate and foreign commerce by any means, including by
computer, and the producing of which visual depictions (1) involved the use of one and more
minors engaging in sexually explicit conduct, and (2) were of such conduct, in violation of Title
18, United States Code, Section 2252(a)(4)(B).

INFORMATION

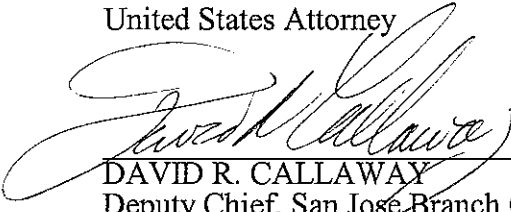
1 FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)


2 1. The allegations contained in Count One of this Information are hereby realleged and by
3 this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18,
4 United States Code, Section 2253.

5 2. Upon conviction of the offense alleged in Count One above, the defendant,
6 MARK ALFRED FIRST,
7 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)
8 and (a)(3), all visual depictions described in Title 18, United States Code Section 2252, and all
9 property, real or personal, used or intended to be used to commit or promote the commission of
10 the offenses of conviction, including the following computer seized from the defendant's
11 residence: Hewlett Packard Pavilion Computer, serial no.GFDP13420236A.

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13 Dated: 9/27/2007

SCOTT N. SCHOOLS
United States Attorney


DAVID R. CALLAWAY
Deputy Chief, San Jose Branch Office

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT ☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

18 USC 2252(a)(4)(B) - Poss. of Matters
Containing Any Visual Depiction of a Minor
Engaging in Sexually Explicit Conduct; 18 USC
2253(a)(1) & (a)(3) - Criminal Forfeiture

☐ Petty
☐ Misdemeanor
☐ Felony

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PENALTY:

10 years Imprisonment, \$250,000 Fine, Life Term Supervised
Release; \$100 Special Assessment and Registration as a Sex
Offender

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DHS-ICE

☐ person is awaiting trial in another Federal or State
Court, give name of court

☐ this person/proceeding is transferred from another
district per (circle one) FRCrP 20, 21 or 40. Show
District

☐ this is a reprosecution of charges
previously dismissed which were
dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
pending case involving this same
defendant

☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding
this defendant were recorded under

SHOW
DOCKET NO.MAGISTRATE
CASE NO.

Name and Office of Person
Furnishing Information on
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

Joseph A. Fazioli

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

MARK ALFRED FIRST

DISTRICT COURT NUMBER

CR 07 00622

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer
been filed?

☐ Yes
☐ No

If "Yes"
give date
filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☒ SUMMONS ☐ NO PROCESS*

☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☒ Initial Appearance

Defendant Address:

Mark First, c/o John Hinkle and Richard Pointer,
Esq.; 2007 West Hedding Street, Suite 100 San
Jose, CA 95128.

*Where defendant previously apprehended on complaint, no new summons
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: October 11, 2007 9:30am

Before Judge: Hon. Richard Seeborg

Comments: